

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 MAY 18 PM 3:31

ROBERT R. DeTHOLIS
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

MICHAEL HIGGINBOTTOM and
DIANNE HIGGINBOTTOM,

Plaintiffs,

v.

NO. 04-2772-D P

METHODIST HOSPITALS OF MEMPHIS,
T. MARTIN CARR, M.D., P.C., and in his
individual capacity, DR. MORRIS STALLINGS,

Defendants.

~~TMP (PROPOSED)~~ AMENDED SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held between the parties on Thursday, May 19, 2005 to consider amendments to the Scheduling Order previously entered in this case. Present were James E. King, counsel for plaintiffs, Jeffrey A. Jarratt, counsel for defendant Methodist, Elijah Noel, Jr., counsel for defendant T. Martin Carr, M.D., P.C. ("Carr") and Michael E. Keeney, counsel for defendant Morris Stallings ("Stallings"). At the conference, the following dates were proposed:

1. Initial Disclosures: Initial Rule 26(a)(1) disclosures by Carr and Stallings shall be made on or before Thursday, June 2, 2005. Initial and any subsequent disclosures already made by the original parties and not already furnished to Carr and Stallings shall be furnished to Carr and Stallings within 5 business days.

2. Joining Parties and Amended Pleadings: The parties shall amend their pleadings and join any additional parties on or before Friday, July 8, 2005.

3. Initial Motions to Dismiss: Any initial motions to dismiss shall be filed on or before Wednesday, August 31, 2005.

4. Completion of all Discovery: All discovery shall be completed on or before Tuesday, January 31, 2006.

5. Expert Witness Disclosure:

(a) Plaintiffs' Rule 26 expert information is to be provided on or before Friday, October 28, 2005.

(b) Defendants' Rule 26 expert information is to be provided on or before Friday, December 2, 2005.

(c) Expert witness depositions are to be completed by the discovery deadline.

6. Filing Dispositive Motions: All dispositive motions shall be filed on or before Friday, March 3, 2006.

7. Other Relevant Matters:

No depositions may be scheduled to occur after discovery cutoff without permission of the Court. All motions, requests for admission or other filings that require a response must be filed sufficiently in advance of the discovery cutoff to enable the opposing party to respond by the time permitted by the rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline within thirty days of default of the service of response, answer, or objection, which is the subject of the motion. If a default occurs within the thirty days of the discovery deadline, unless the time for filing such motion is extended for good cause shown, the objection to the default, response, answer or objection shall be waived.

This case is set for a jury trial. Trial is expected to last 2-3 days.

The pretrial date, pretrial conference and trial date will be set by the Presiding Judge.

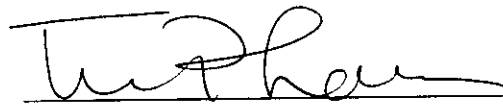
This case is appropriate for ADR. The parties believe that ADR should not be scheduled until after the completion of the discovery in this matter.

Pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Federal Rules of Civil Procedure Rules 46, 59 or 60 shall be accompanied by a proposed order.

The parties recognize and acknowledge that a response to any motion must be filed as required by the rule. Neither party may file an additional reply, however, to any motion without leave of the Court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a Memorandum setting forth reasons for which a reply is required.

The parties have not consented to a trial before the Magistrate Judge.

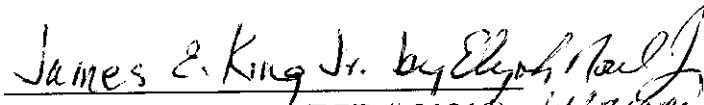
IT IS SO ORDERED.



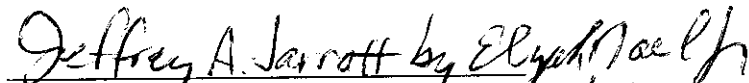
MAGISTRATE JUDGE TU M. PHAM

DATE: 5/18/05

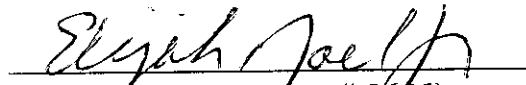
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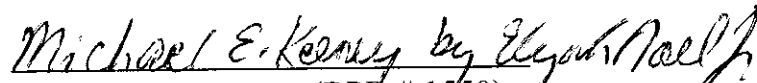
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Jeffrey A. Jarratt (BPR # 12130) *w/ permission*
Attorney for Defendant Methodist



Elijah Noel, Jr. (BPR # 8655)
Attorney for Defendant Carr, P.C.



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Notice of Distribution

This notice confirms a copy of the document docketed as number 24 in case 2:04-CV-02772 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT